



**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA

# IN SESSION

"YOUR SEAT IN PARLIAMENT"

JANUARY 2009 ISSUE

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**PARLIAMENT**  
OF THE REPUBLIC OF SOUTH AFRICA



## Vision Statement

To build an effective people's Parliament that is responsive to the needs of the people and that is driven by the ideal of realising a better quality of life for all the people of South Africa.

## Mission Statement

As the freely elected representatives of the people of South Africa, our Mission is to represent, and to act as a voice of the people, in fulfilling our Constitutional functions of passing laws and overseeing executive action.

## Strategic Objectives

1. Increasing oversight
2. Increasing public participation
3. Building an efficient, effective institution



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# Editor's note



Momelezi Kula

If you are reading this editor's note it can only mean that the author has been burning the midnight oil or stealing from family time. That is how things are for a number of Parliamentary administration officials at present, as preparations for the State of the Nation Address reach fever pitch. This is an annual story. Every year before Parliament begins, the hustle and bustle works up to a frenzy, with everyone high on adrenaline. That is how it is when you are organising an event of this magnitude.

The State of the Nation Address is a key event in Parliament's annual Calendar. The event is a state occasion, one of the few where you have all the three branches or arms of the state in one place. The President as the head of State calls a Joint Sitting in order to address the nation. The Executive, represented by the President and Deputy, Ministers and Deputies; the Judiciary, represented by the Chief Justice, the Deputy and Judge Presidents, and the Legislature represented by Members of Parliament, congregate in the National Assembly Chamber for the Joint Sitting.

Understandably, the planning has to be perfect and no effort is spared. There is no room for error. This is clear in the minds of Parliamentary staff, and every minute of the occasion is planned for. One has to invest time and effort, and pay meticulous attention to every little detail. Even if only for a few weeks the concept of working hours ceases to exist as officials come in earlier than usual and leave for home late in the evening.

To the teams that are hard at work planning and preparing for the event in order to make it a success, we would like to express our appreciation. We understand the pressures surrounding such an event. When we watch a seamless live broadcast of the opening ceremony on television we tend to forget the sacrifices that have made it possible. Let the passion and commitment to serve our country continue to burn high, fuelled by the understanding that the sacrifices are much appreciated. In the end, sleepless nights working and worrying about the event will translate into a day of pride for all South Africans.

Each year, Parliament identifies a theme which is informed by Parliament's strategic focus. The theme underlines the idea that in a people's Parliament, the citizens should take a direct part in democracy and become involved in matters of lawmaking and oversight. Parliament's annual theme for 2009 is "Parliament entrenching people-centred democracy in achieving development goals". Through its work Parliament will seek to bring this theme to life, keeping the public informed of how the institution approaches its business and processes.

As we write this we look forward to another stately occasion, the last State of the Nation Address delivered to the Joint Sitting of the Third Democratic Parliament.

We would like to hear your comments on the organisation of the State of the Nation Address. Remember that InSession is now published monthly. Enjoy the read.

Dear Kagisho,

Firstly, congratulations on a successful and informative journal/magazine, In Session. I have just got in my hands the November 2008 Issue.

It would be nice if you could number In Session in volumes and Numbers, in the journal format - for instance, Vol. 1, No 11 (November 2008) - for the purpose of citation and follow up. For instance, I cannot tell if this is the first issue or there are other copies before this. If there are, which I hope there is, I would be glad to receive copies of same.

Kindly post to: Jonoka Research and Development Solutions,  
P. O. Box. 43448, Inanda, 4310

Wishing you a successful 2009.

Kind Regards,

Blessing J. Karumbidza (PhD, UKZN; MA, UND; BA Hons UZ)  
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(more letters on p. 8)



NCOP Chairperson, Mninwa Mahlangu

# A lot of work ahead

It is my greatest pleasure to extend a warm welcome to everybody this new year. I am certain that the summer break has helped in energising and rejuvenating us for the year ahead.

As we start the first 2009 session it is important to be mindful of the fact that it is a very short and busy one. First, the Third Parliament comes to an end. Second, the nation is poised for the national and provincial elections.

This means that there is a lot of work that lies ahead as we finalise the business of the Third Parliament, get ready for the elections and prepare for the Fourth Parliament.

In this vein you may have seen that Parliament had an early start to the new year in an effort to finalise all outstanding business. There is the project led by the Presiding Officers in preparation for the establishment of the Fourth Parliament. This work will be elaborated as we go along and will require the participation of everybody, especially the officials who remain behind after both Houses have been dissolved.

I would like to take this opportunity to thank Members of Parliament for their dedication in responding to the needs of the electorate during the course of the Third Parliament. Your work over the years will go down in history as part of the building blocks of our nation. You have every reason to be proud of your immense contribution.

The time has come to renew the mandate of the people, as stipulated in our Constitution. This is important in the life of any democracy as public representatives are there to serve the interests of the people.

As is commonly known, the seats of Parliament are allocated in proportion to the number of votes cast in the election. This means, for example, that a party that wins 10% of the votes will get 10% of the seats. On the other hand, a party that has won the majority of seats in the National Assembly or the Provincial Legislature will form the government. This is an expression of democracy.

It is for this reason that we should encourage our people to register before the voters roll is closed, and to get out and vote on the date that is announced by the President.

**Good luck and have a blessed 2009!**

Mninwa Mahlangu, MP  
Chairperson: NCOP

# Green light from Eminent Panel



Dr. Pregs Govender presents Independent Panel's Report to Parliament's Presiding Officers

## ...But democratic SA needs hard work

### INDEPENDENT PANEL REPORTS ON PARLIAMENT

#### To what extent is Parliament evolving to entrench democracy?

This question was put to 11 eminent South Africans two years ago. The final report of the Independent Panel's Assessment of Parliament makes for interesting reading.

In December 2006, the former Speaker of Parliament Baleka Mbete and the Chairperson of the National Council of Provinces, Mninwa Mahlangu established the Independent Panel Assessment of Parliament and appointed 11 people recognised for their independence and integrity.

The findings, which have emerged through what the chairperson Pregs Govender calls a "detailed literature review combined with a public hearing process that included role-players from within Parliament as well as civil society," augur well for the future

of democratic debate on where the country's most important institution is now and where it should be heading.

The Panel members selected were Adv. Selby Baqwa, Mr. Colin Eglin, Ms. Judith February, Mr. John Kane-Berman, Mr. Papati Robert Malavi, Ms. Koko Mashigo, Mr. Aubrey Matshiqi, Prof. Sipho Seepe, Mr. Max Sisulu and Dr. Frederick Van Zyl Slabbert with Dr. Pregs Govender as Chairperson.

**"Given the harm done by unethical behaviour, it should be tougher to hold office as an MP"**

The Panel deliberated at length on the impact that the party-list electoral system has on various aspects of Parliament's work. It was noted that the party-list system tends to promote accountability of MPs to their political parties, rather than to the South African electorate.

#### The Panel does not mince words in its report:

South Africa's party-list system is a possible reason for the perceived lack of accountability of MPs and the poor link between the public and

Parliament.

Perhaps the current electoral system should be replaced by a mixed system with attempts to capture the benefits of both the constituency-based and proportional representation electoral systems, but the matter will have to be debated in depth, says the Panel's report.

It is strongly felt that, even in the absence of electoral reform, Parliament should also undertake various initiatives to improve the manner in which constituency work is structured, for example how it may be improved through a number of practical interventions that do not require electoral reform.

Given the harm done by unethical behaviour, it should be tougher to hold office as an MP

"The recent abuses by MPs involving travel vouchers seems to indicate that Parliament's ability to enforce ethics is relatively weak, says the panel". In terms of sanctions, the Constitution specifies that MPs become ineligible to hold office if they are convicted of an offence and sentenced to more than



Panel Chairperson, Dr. Pregs Govender hard at work



# Letters to the editor

Dear Kagisho

Working at community radio stations has never been an easy job. We do research on the work that contributes positively to the development of the communities we broadcast for. That does not come easily with lack of resources faced with each day. Recently, I visited one of the community radio stations in Limpopo only to receive a well designed and packaged newsletter of Parliament – IN SESSION. I was so excited to receive one. The December issue has a feature on 'Taking Parliament to the People', which detailed the work of Parliament Committee at heart. As a remote community radio station, we always struggle to get sources on radio to explain to our listeners how Parliament functions. It would be nice to hear more about the upcoming elections in your next issue.

Please include us in your mailing list and be sure to send us more copies.

**P Pappie**, Programme Manager, Radio Turf (Community radio station), Polokwane

Dear Kagisho

I would like to compliment you and your team on this insightful and interesting publication. It gives the ordinary 'woman in the street' a valuable glance into the workings of Parliament and what is happening – both behind the scenes and in the public arena.

**Marilyn Scholtz**, Training and Communications Consultant, Cape Town

Dear Kagisho

Your feature articles (1 000 new laws and counting) on page 16 -17 makes one understand the significant acts that have been passed to date. This shows the work of parliament at its best. At last there is a publication like this that updates us on the legislation being processed in Parliament. Thanks, I hope to read more on the s.

**Kwanele Bengu**, Community leader, Free State

Dear Kagisho

Often enough I pick up a copy of your newsletter on the street or from a friend who works in Parliament. Thus far, I had a privileged of indulging in your November & December issues. I must say good work deserves an applause. It looks more like a magazine to a newsletter. I have noticed the great improvements from the last copy. Your editor's note clearly updates the reader on the improvements effected each moth. I noticed the content pages has improved and reads more clearly now. So I have one request. Can I subscribe for free or have electronic version?

**Thabo Maredi**, University Student, Cape Town

Dear Kagisho

I think you need to focus more to the concerns of the people as much as you do with the high profile officials, maybe to put a platform which will also educate the public on the right tone and ways to correspond with the parliament. I think in a way this magazine can bridge the gap and distance between the parliament and the public. I also think you could create a platform to complement the magazine like websites and where people can reach parliament and be able to get responses though the magazines. This will help people to understand how parliament operates and that will save time and bring relevant tone during NCOP's. But, chief, I think Public's views and comments will be very important.

**Tshuluzi Nkoana**, Communication officer, Internal communication, National Department of Public works, Pretoria

Responses to letters to the Editor will be published in subsequent editions of InSession in the Citizen's Platform Column. Thank you very much for your letters. If you have opinion on IN SESSION, please write us a letter or drop us an email and share your views with us. Please note that the editor reserves the right to edit, shorten or not to publish your letters.



# Parliament's Grand Affair

## Visitors share in plush procession

by **Musa Ndwandwe**

As Parliament rolls out the red carpet for the president during the State of the Nation Address on 6 February 2009, it is not only the dignitaries and distinguished guests who will get to share in the spectacle of the ceremony.

Apart from thousands of spectators who will be watching the presidential procession, more than 300 ordinary citizens will also get to play a part during the proceedings.

President Kgalema Motlanthe will deliver the final State of the Nation address to the Third Parliament on February 6. The address is a reflection of the state of the nation and the outlook of the country and represents an annual operational plan for the government. While it serves to showcase and celebrate the achievements and spirit of the people it is more a ceremonial event.

Before each address, Premiers, Speakers of Provincial Legislatures the Judges and the President embark on the procession followed by a flyover of jets and a 21-gun salute. It is on the Parliament Street leg of the procession that the general public gets to participate.

More than 250 learners from four Provinces will form a Junior Guard of Honour on either side of the red carpet. Learners are drawn from provinces on a rotational bases. This year they will come from Gauteng, Mpumalanga and the Free State, with the bulk from the Western Cape, says Parliament's Public Relations Specialist Siyabonga Seme. President Motlanthe will pause briefly to acknowledge and inspect the Junior Guard.

Further up Parliament street will be 100 members of the public forming a Civil Guard of Honour. They are recruited from community and non-governmental organizations that are involved in community development.

The President will also pass through a group of eminent persons from South Africa's nine provinces. Provincial legislatures have been requested to nominate one person each, who will best represent their province at the State of the Nation Address. These are people who have made contributions in their respective fields, communities and South Africa.

"The criteria for inclusion in the group of eminent persons is the nominee's outstanding contribution to the development of that particular province whether in education, community work, health, culture or any sector," said Wiseman Nombanda of Parliament's Public Relations Unit.

Completing the public's involvement will be various performers who will be serenading the Presidential party as they make their way towards the National Assembly chambers.

Seme said that Parliament was involving the public in line with the institution's vision of being a truly people-driven Parliament.



# Now hear this!



Ayanda Sono

## 'Why I want to visit Parliament'

Staff Writer

From a budding politician in KwaZulu-Natal who sees Parliament as a forum where "the beautiful art of fair debate is utilised to better humanity" to the Northern Cape winner who feels everyone at Parliament firmly believes "kids should be seen and not heard", the schools competition to attend the State of the Nation Address in Cape Town really got the creative juices flowing in all nine Provinces. It was very difficult to select one winner from each province to make the dream trip for President Kgalema Motlanthe's State of the Nation Address on 6 February 2009.

Mpumalanga winner Calvin Ratladi of Zacheus Malaza Secondary School in Witbank is determined to get the most out of his opportunity to visit Parliament "to address the... empowerment of the disabled." Calvin says following the South African Paralympic team's record-breaking performances in Beijing, "it shows that the disabled have all the true success in their minds. Gone are the days when people living with disabilities

were self-proclaimed objects of pity," he says.

To win a chance to hear President Motlanthe live in Parliament is a dream come true for Northern Cape winner Lesego Kantani of Kimberley Girls High: "Many of the young people I know think that Parliament is boring and they wouldn't want to be there...(but) only when you understand the function of it, will one know that Parliament is a great place to be at," she said.

The competition was open to grade 10 and 11 learners at all schools and the results were made known along with the matric results in December 2008. Although she is only 15 years old, Gauteng winner Precious Marase of Madiba Comprehensive School in Kagiso

is brimming over with confidence. She says she is a control freak at times "but I will not allow weaknesses to deprive me but rather turn them into strengths, where I am substituting perfectionism with a spirit of excellence and being controlling with being organised." She is also realistic: "The majority of my schoolmates want to make it in life but can't because of severe problems, ie poverty, loss of breadwinners, crime and unwanted pregnancies." But she sees the teamwork that is so necessary to make Parliament work as the ingredient needed for a culture "that we as a country must continue to nurture and embrace because it is within teams that we are able to achieve more as a collective...in the new and good South Africa," says Precious.

Ayanda Sono, 17 of Makhaza, Cape Town used to listen with her mother and the neighbours to the budget speech every February by the Minister of Finance, and says her emphasis is on who does what in Parliament, especially because important decisions are taken on behalf of "we poor people. People in the community would get excited by an increase in the child and disability grant, which is the only source of income to many of them. To me, Parliament does help the community but does not reach out to all the people, at some part the services are fast and some don't get at all," says Ayanda. So when she visits Parliament she will want to know more about the integrated youth strategy, "and getting to know where to go and who to call".

Keanole Jawe of Ramotshere High

School, North West Province, was so despondent about crime, HIV/Aids, her disabled father and "siblings with poverty written all over their clothes", that she thought of running away. But she decided to take a stand and sees Parliament as a vital link in "helping millions of people and children out there leading a life like mine."

Free State winner Tshepang Lesole, and

Daniel Letshabo of the Eastern Cape were both highly delighted about the prospects of the trip to Parliament. Tshepang sees it as a dream come true, because he would like to pursue "a career in this direction". Daniel feels that learners in his province are often "left out of the loop", and he is pleased to have this opportunity to see democracy in action. James Madiba of Limpopo says it is delightful to go from attending school under a tree in a bush, "as so many learners in my Province have to do," to visiting Parliament.



#### THE PROVINCIAL WINNERS ARE:

**Eastern Cape:** Daniel Letshabo, Ebenezer Dyathi Senior Secondary School Sterkspruit.

**Free State:** Tshepang Lesole, Joseph CBC, Bloemfontein.

**Gauteng:** Precious Marase, Madiba Comprehensive School, Kagiso, Mogale City.

**KwaZulu-Natal:** Sphelele Dlamini, Umlazi Comtech (Umlazi), Lamontville, Durban.

**Limpopo:** James Mpho Madiba, Mmdikana Secondary School, Mokopane.

**Mpumalanga:** Calvin Ratladi, Zacheus Malaza Secondary School, Emalahleni, Witbank.

**Northern Cape:** Lesogo Kantani, Kimberley Girls High, Kimberley.

**North West:** Jawe Keanole, Ramotshere High School, Gopane, Zeerust.

**Western Cape:** Ayanda Sono, Konhill High School (Mitchells Plain), Makhaza, Khayelitsha, Cape Town.

My name is Ayanda Sono, 17 years of age and live in Makhaza, Cape Town.

As a young girl growing up in Khayelitsha it will be of great interest to me to know and visit parliament to learn about different departments and decisions taken in governing the people of South Africa.

But my emphases will be on who does what in parliament. To me parliament is a very respectful building where important decisions and laws are taken on behalf of South Africa, especially we poor people.

I have always had faith on parliament as my mom and our neighbours would listen attentively to the budget speech in April done by Minister of Finance.

People in the community would get excited about the news of the increase in child and disability grant which is the only source of income to many of them.

To me parliament does help the community, but does not reach out to all people, at some part of the services are fast and some don't get services at all.

I am very much interested in knowing more about opportunities set for young people of this country.

I would like to benefit from all the services that are set for us but it's a matter of not knowing where to go and who to call. I also know that there are programmes like the integrated youth development strategy but I do not know how they operate.

This will be another point of interest when given a chance to visit parliament.

From Ayanda Sono

# Roll on, 4th Parliament

## SA to elect new MPs

by Abel Mputing

The forthcoming general elections of 2009 will mark the end of the 3rd Parliament. This means we have had three Parliaments that have each served a full five-year term since the first democratic election in 1994. South Africa is about to elect its 4th democratic Parliament.

Traditionally, a large number of political parties take part in the elections. Each party draws up lists of their candidates for the National Assembly (and, in a separate process, the nine Provincial Legislatures) and provides these lists to the Independent Electoral Commission (IEC).

Within 14 days after the results of the election have been announced by the Independent Electoral Commission (IEC) the name of the 400 members of the National Assembly must be announced.

### **What happens when the election results have been declared?**

The IEC allocates the 400 Parliamentary seats in the National Assembly in accordance with the proportion of votes each party receives.

### **How are members of Parliament chosen?**

Members are chosen from a political party's national list in accordance with to the number of votes that a party obtains.

### **What happens next?**

The IEC pronounces the date of designation, ie when a person is

designated to be a Member of Parliament and becomes a fully-fledged Member of Parliament.

The actual date of designation is when the IEC publishes the final lists of names of the members of National Assembly in the Government Gazette.

### **How is Parliament constituted?**

After the results are announced, the Chief Justice has 14 days within which to convene the first sitting of the new Parliament. The first order of business of the new National Assembly is to constitute itself. In order for the House to be constituted all 400 members must be sworn in by the Chief Justice by pledging their allegiance to the Constitution. That will complete the constitution of the National Assembly.

After this the House will convene for the election of the President, a process which will also be presided over by the Chief Justice of South Africa. The President-elect will also be granted an opportunity to thank the House.

### **Is the President a Member of the National Assembly?**

To be elected as President a person must be a member of the National Assembly. But as soon as the President has been elected he/she ceases to be a Member of the National Assembly, thereby creating a vacancy. That vacant seat will later be filled by a person next on the list of the party concerned, once again bringing the composition of the National Assembly to 400 members.

### **What happens if there are nominations from other parties for the Speaker**

### **or Chairperson, Deputy Speaker and Deputy Chairperson or the President's position?**

The Chief Justice will call for a secret ballot in which all members of the National Assembly will participate. The nominee who gets the highest number of votes is declared duly elected and assumes his/her designated position.

### **When must the President take office?**

According to the constitution the President must assume office within five days of his/her election and must take the Oath of office by swearing or affirming allegiance to the Republic and obedience to the Constitution. This takes place during his/her inauguration ceremony.

### **What is the work of the Speaker of the National Assembly?**

The Speaker must ensure that all Members adhere to the rules and regulations of the House. The rulings of the Speaker apply to everyone in the House including the President. The Speaker rules on the interpretation of the House rules and regulations and have the final say on whether a Member was out of order. The Speaker is able to expel anyone from the Chamber, for a defined period, if that Member does not withdraw any of their remarks that were ruled out of order. Whenever the Speaker is absent or unable to perform the functions of the office of Speaker, or whenever that office is vacant, the Deputy Speaker acts as Speaker. In the National Council of Provinces, the Chairperson takes responsibility for these duties

### **How do new members get to know**

# Election of 4th Parliament

## Parliament's procedures?

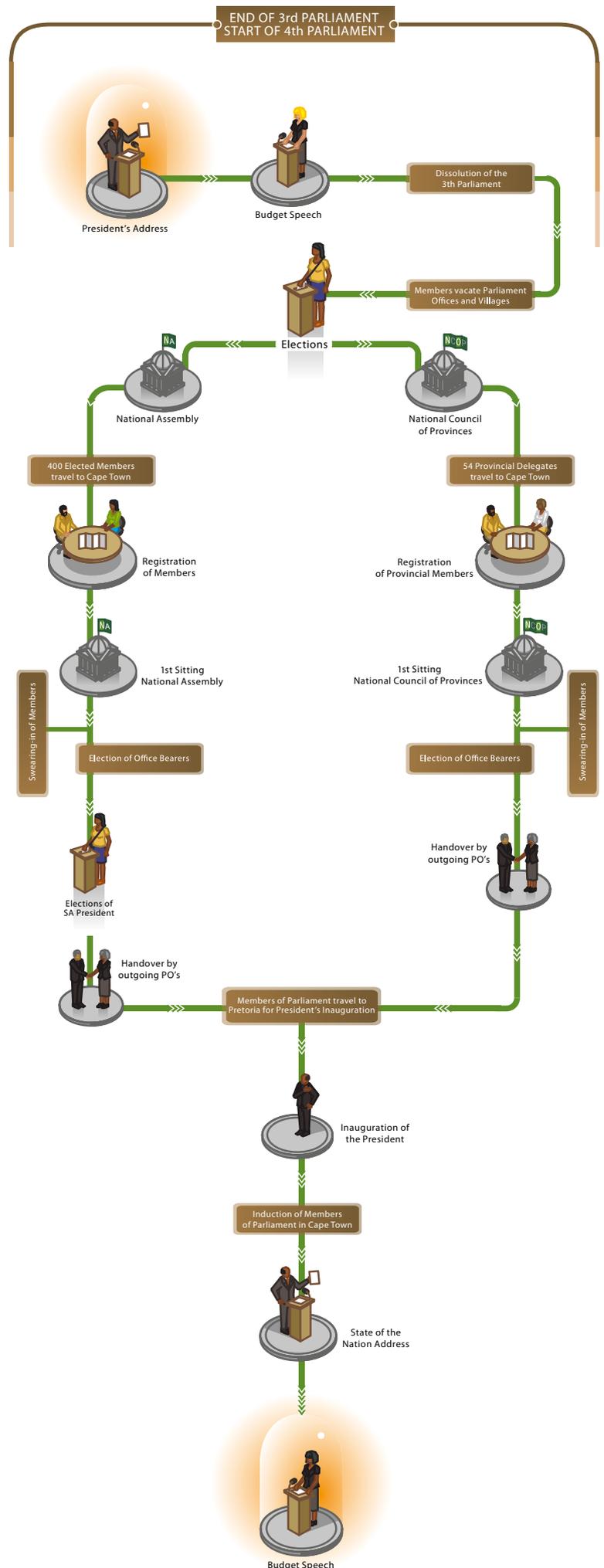
A number of things happen to ensure the smooth transition from one Parliament to the next. Immediately after the inauguration of the country's President, the procedural staff of Parliament will have a designated training period of a week or two in which they assist new members, inducting them on the House's basic rules and procedures such as points of order, Order in the House and what they are allowed to do and not allowed to do when the House is in session.

## How does a new Parliament's tenure begin?

Each of the Houses of Parliament has a Rules Committee: the Senior Committees of Parliament. This committee sits to decide on the number and size of the Committees. It can review their powers and determine how the committee should work, or whether there is a need for change. It can also determine how many Whips there should be. Party Whips keep the Houses organised and normally they are senior members of a party, entrusted with the task of maintaining the interests of their respective parties.

## Who determines the first order of business of a new Parliament?

The members themselves determine the business of Parliament. Everything that was before the committees of the 3rd Parliament, or the House, will lapse at the dissolution of the 3rd Parliament. Normally, the incoming Parliament receives legacy reports to reflect on and see what order of business of the previous Parliament may need to be revived. The Programme Committee normally decides the first business of the House, which issue will be the first order of business of the National Assembly.



# Parliament establishes a Provincial base

Parliament and the Orange River – twin sources of life for Southern Kalahari

by Musa Ndwandwe

Mention Kakamas and the mind conjures up visions of a desolate, sun-baked, southern Kalahari desert town where existence is a daily struggle.

But seen from the air, it is clear how wrong can one be. Through this harsh landscape from Upington to Kakamas, 80 kilometres south, runs a glittering green ribbon - the fertile Orange River Valley which brings life-giving water from the distant highlands of Lesotho.

Thanks to the Orange River, Kakamas is bustling with farming and agro-industries that provide employment for scores of people.

This is a town wrapped in an atmosphere of peace and tranquility, with beautifully landscaped gardens, many rose beds and large, graceful trees.

The region's economy relies on agriculture, tourism and the services industry. Its shops, excellent facilities and easy accessibility make it the centre of this vast region. A large number of regional economic role players have their offices in Upington.

The presence of business implies that there would naturally be workers, and communities that lend their guts and

sweat to the thriving industry.

This is where Parliament comes in.

It is a fact of life in South Africa that workers in the deepest rural areas suffer the most. Their labour conditions tend to be the most appalling. Their living circumstances are often also atrocious.

However, thanks to Parliament's outreach programmes, the people of Kakamas and the entire Northern Cape's rural community say that they now have a realistic chance of "re-entering the standard-of-living loop".

Kakamas is one of three locations of Parliament's pilot Parliamentary Democracy Offices (PDO) project. Started in 2008, the PDO project aims to establish a permanent parliamentary presence in the rural communities that are otherwise on the fringes of the country's national debates. The other two PDO offices are in Limpopo and the North West provinces.

The objectives of the programme were captured by the former Speaker of the National Assembly Baleka Mbete when she said that PDOs sought to "expand Parliament's access, opportunity and space to directly be in touch and continuously engage with the people

who are ordinarily outside national debates in society."

"They provide a platform for discussion to get people's views on matters of national importance, major policy or legislation before Parliament," said Mbete.

In practice, the PDOs have practical functions to fulfill

- Conducting public education and providing information about Parliament and its work
- Providing a platform for people to access and participate in the processes of Parliament
- Providing ground and logistical support for parliamentary programmes and activities
- Facilitating public input and feedback, and
- Co-ordinating and co-operating with other spheres of government.

"The objective was to establish fully operational physical offices called Parliamentary Democracy Offices (PDO's) and mobile offices in all nine provinces including a central PDO in Parliament to co-ordinate the work of the PDO's in the provinces," says Peter Lebeko, former project leader who is now with the Office of the Speaker of the National Assembly

In its first phase, three provinces have

been chosen to test the feasibility of the project. All three now have fully-fledged offices with staff and physical infrastructure.

“Phases two and three would then entail the full countrywide roll-out after which all PDOs would be equipped with mobile offices to cover all nooks and corners of each province.”

Other Business units in Parliament have also thrown in their weight behind efforts to ensure the unhindered success of the newly established PDOs. Notable among these is the Parliamentary Communications Services which has been involved in equipping the PDO staff with skills highly necessary in engaging stakeholders and communicating with

various sectors of the communities. In the case of Kakamas and other rural areas of the Northern Cape, it is clear that Orange River projects have brought new life to this harsh region. Similarly, with the liberating information made possible by the establishment of a Parliamentary Democracy Office, the quality of life is set to change-for the better.

# Desert Trailblazers

## PDO workers doing it for democracy

by **Musa Ndwandwe**

The tranquil vineyards of Kakamas conceal a turbulent, hand-to-mouth existence for thousands of farm workers and their families.

Largely illiterate and solely dependent for their livelihood on the whims of “sometimes unscrupulous farmers”, these workers are often unaware of any recourse available to them when they are subjected to unfair labour practices or other injustice.

That they are geographically isolated from access to support only serves to emphasise their misery.

Kakamas Parliamentary Democracy Office (PDO) Coordinator, Luvuyo Tyali, knows all about the state of neglect rural communities frequently experience. While he is employed to facilitate the communities’ meaningful participation in Parliament’s activities, he spends most of his time attending to grievances.

“People cannot differentiate between a government department, a political constituency office and Parliament,” said Tyali. “As a result most of our time is spent educating communities on



what Parliament does and how they can get their daily grievances attended to. Although established only last year, the Kakamas office has covered much ground in getting communities in the Southern Kalahari ready to participate effectively in Parliament’s programmes.

“We have spent the past few months since opening the office engaging stakeholders ranging from councilors, government officials, non-governmental organisations to sectors such as youth, women and business bodies,” said Tyali.

Between March and November 2008 the office successfully held 50 information sessions and workshops covering the region’s five District Municipalities.

These include Siyanda, Kgalagadi, Namaqua, Pixely Ka Seme and Frances Baard District Municipalities. No less than 2000 stakeholder representatives have attended these sessions.

During all these sessions, participants were unanimous in appealing for Parliament’s intervention in a variety of grievances ranging from Health, Social Service, and Education to Sports & Recreation, Youth- and Labour related issues.

“In addition to our mandate we have established a track record in resolving a variety of disputes by way of facilitating contact between aggrieved parties and relevant government departments, much to the appreciation of communities,” said Tyali.

During the early part of 2009, the Kakamas PDO will be busy with training the province's educators on Parliamentary Democracy, a campaign which is intended to filter down to learners.

"During January to February we have a programme where a total of 40 sessions with more than 1500 educators will be embarked upon, said Tyali.

These educator outreach workshops have turned Tyali and his Team Leader, Motshidisi Mogamisi to trailblazers always on a path to yet another far-flung destination in the name of democracy.

Judging from comments from some of the stakeholders that spoke to INSESSION, the crusade will soon bear fruit.

"When we started collaborating with the local PDO during these workshops,



Parliamentary Democracy Office workshop, Northern Cape

it was a totally new experience for us," said Mitchell Van Wyk, a community development worker with the Provincial Housing Department. "The presence of the PDO has certainly made our work easier because now we know how

communities can organize themselves and interact with Parliament as a stronger force."

This being a pilot project, however, it is inevitable that the PDO must experience some teething problems.

"Our main challenge is in the area of procurement," said Vuyani Xabendlini, the PDO Administrative Assistant. "We often face severe criticism from service providers because we rely on Cape Town for procurement and honouring of invoices. When these are delayed, our service providers become disillusioned, hindering the holding of successful future workshops."

However, the negatives are by far outnumbered by the positive features of the Kakamas PDO. Hopefully the gallant efforts by the staff of only five to cover the entire province will not go unnoticed.

# Voice of the People on PDOs

**Mitchell Van Wyk** - Community Development Worker, Kakamas  
"Some time last year the Home Affairs Department requested us to mobilize people about the Department's services and how the people can access these. On the specific dates that the Department was supposed to come and help the people we were embarrassed as the Department failed to attend. After numerous phone calls without any result, we went to the PDO in Kakamas. Following a letter that the PDO wrote to the Department, this issue was resolved in a matter of days. This is why I say that the PDO's presence here has made our job that much easier."

**Mary Ann Pienaar** - Community Development Worker - Kakamas  
"We hope government departments can take the cue from Parliament and demonstrate their concern for the people by coming closer to them. Only

in that way will we restore our people's confidence in government."

**AnnaDiergaat**"-ANCCouncillorKaiGariieb  
"As a councillor I must congratulate Parliament for taking this step to come closer to the people. It actually makes us look good and takes a whole load of work out of our shoulders."

**Angela Filander** - Community Representative  
"The drug and alcohol problem is serious in our communities. With the opening of the PDO in our area we have learnt that if the community speaks as one voice, we stand a better chance of influencing legislation that will seek to redress some of the problems we face as a community."

**Elizabeth Marsh** - Volunteer with Victim Empowerment Programmes  
"We did not know how the legislative process works. We now have better

clarity. As a volunteer myself, I feel strongly that we can make submissions that can go a long way to enact relevant legislations that could help encourage volunteerism and thereby bring forth many hands to solve our communities' plenty problems."

**Denise Smit** - SANCA  
"I personally did not know about the Constitution, the three arms of state and how Parliament is different from the other two. The fact that I now know what's happening can only mean that I am a better citizen than before."

**Pastor Jakobus Sass**, Community leader and Disabled People's representative.  
"We would still like to know more about Parliament and actually see it in action. To this end we appeal that the PDO organise for us a satellite link which will enable us to interact with committees as they deliberate on issues that affect us."



# Hearings on law and order

## Nation-wide public hearings on Criminal Justice System

More people than ever before are taking part in Parliament's lawmaking process. This was recently the case with the review of the CJS when significantly more people became involved thanks to Parliament's efforts to involve citizens in its work and a spontaneous increase in the interest shown by ordinary people in the legislative business of Parliament. In implementing its strategic vision, Parliament has been opening up the process of public participation, for example by hosting sectoral Parliaments, the People's Assembly and taking

Parliament to the People events, getting submissions from the public and holding public hearings on a variety of subjects. This has become an integral part of both its lawmaking and oversight functions, and there has been a positive response from the large number of people who are attending these programmes.

Parliament's role is to serve as the voice of the people, to represent the people and ensure government by the people, under the Constitution. It achieves this mandate through passing legislation, overseeing government action, facilitating public involvement, promoting co-operative government and by means of international participation. In the process, the public's participation in legislative processes and other business of Parliament,

their access to the institution and its members, and the information provided to people about the entire process have become critical ingredients in bringing the People's Parliament to life. Holding public hearings is one of the primary instruments of ensuring wider participation and it plays an important role in enabling people to take part in the legislative and oversight processes.

In reviewing the CJS, public hearings were held throughout the country. For those who could not afford to travel to Parliament in Cape Town, Provincial public hearings were held by Committees of both Houses, the National Assembly and the National Council of Provinces. This was "going an extra mile" for Section 75 Bills, that is, ordinary Bills which do not affect Provinces. The whole process points to a commitment by Parliament to expand public participation and increase access to the institution by all South Africans.

Public hearings were conducted in all nine provinces last November and December and in January this year. These hearings were held by four Parliamentary Committees: the Portfolio Committees on Justice and Constitutional Development, Safety and Security, and Correctional Services, and the Select



Public hearings on the Criminal Justice System Review in Mitchell Plain



Committee on Safety and Constitutional Affairs. These four Committees, under the guidance of the MPs Mr. Yunus Carrim, Ms. Maggie Sotyu, Mr. Dennis Bloem and Kgoshi Mathupa Mokoena respectively, held hugely successful hearings.

The review follows an in-depth investigation into the current system which has identified weaknesses and shortcomings that need to be addressed. At the end of the law-making process, the desired outcomes include a realigned and integrated single Criminal Justice System with appropriate coordinating and management structure; an improved crime scene investigation; improved performance of the courts; and changes to the community policing forums to expand their role and provide resources to enable them to be an even more vital component in the fight against crime.

The hearings afforded opportunities to ordinary citizens who normally would not have been able to express their views on the proposed changes, to add their suggestions, to voice their concerns and bring to the attention of Members of Parliament those key issues that affect their lives.

The most critical outcome was that

communities were able to engage their public representatives on issues of crime and how they have been affected negatively by it. There was a good deal of dissatisfaction about the police response to distress calls, their alleged corrupt practices and poor rates of conviction. People stressed that a lack of synergy between the police and the courts resulted in known criminals walking free.

There was a huge response from the public. In all nine provinces people came in numbers and they did not mince words, with question after question directed at both Members of Parliament and law enforcement officials. The hearings also served an oversight function as Provincial Commissioners were invited by the Committee chairpersons to respond to complaints, allegations and questions and to make sure that the issues would be addressed in due course.

People who had had difficulty in dealing with the police had their issues attended to on the spot by Provincial Commissioners who promised swift action, even giving out their office and cell phone numbers for the public to follow-up on their queries.

Crime is everybody's business, and this was the essence of the public participation initiative throughout the hearings. Parliament, on behalf of the people, passes legislation against crime, which government implements, with the courts interpreting and enforcing the letter of the law. The public works through Community Policing Forums and with law enforcement agencies to bring criminals to book. This cooperation and involvement in the proposed integrated CJS is not happening at the tail end. It began with cooperation on the review and the revitalization of the system. By including everybody at the start of the process, stakeholders have shown commitment to common goals and this has helped to ensure a considerable degree of success.

**“Crime is a major problem in South Africa and fighting it is everybody's business”**

# New Bill **fingers** suspects

## SAPS, Home Affairs and Transport to work together

by Kanyisa Ndyondya

In a bid to boost crime fighting through the use of tracking fingerprints, the Criminal Law (forensic procedures) Amendment Bill, has been introduced in Parliament.

The Bill falls within the establishment of a new Criminal Justice System (CJS) and will strengthen the forensic investigative powers and capacity of the South African Police Service. This follows the review of the CJS which is aimed at reviving the country's ailing crime-fighting strategy by reinforcing all applicable structures – from the community policing forums to the High Courts of the land.

This work was carried out by the Office for Criminal Justice System Reform. Research done by the Department of Justice also shows that despite the fact that a number of government departments administer databases containing fingerprints, the South African Police Service does not have access to these databases. The police only have access to the fingerprints stored in their information system.

This means that they cannot access the Department of Home Affairs' National Identification System where fingerprints of 31 million citizens and about 2.5 million foreigners are kept, or the E-natis system of the Department of Transport, where a further six million thumbprints are located.

The review also found that, because of these different fingerprints databases, the perpetrators went undetected in a large proportion of criminal incidents.

At present there is no legislation in South Africa which specifically provides for the establishment and administration of a DNA database as a criminal intelligence tool.

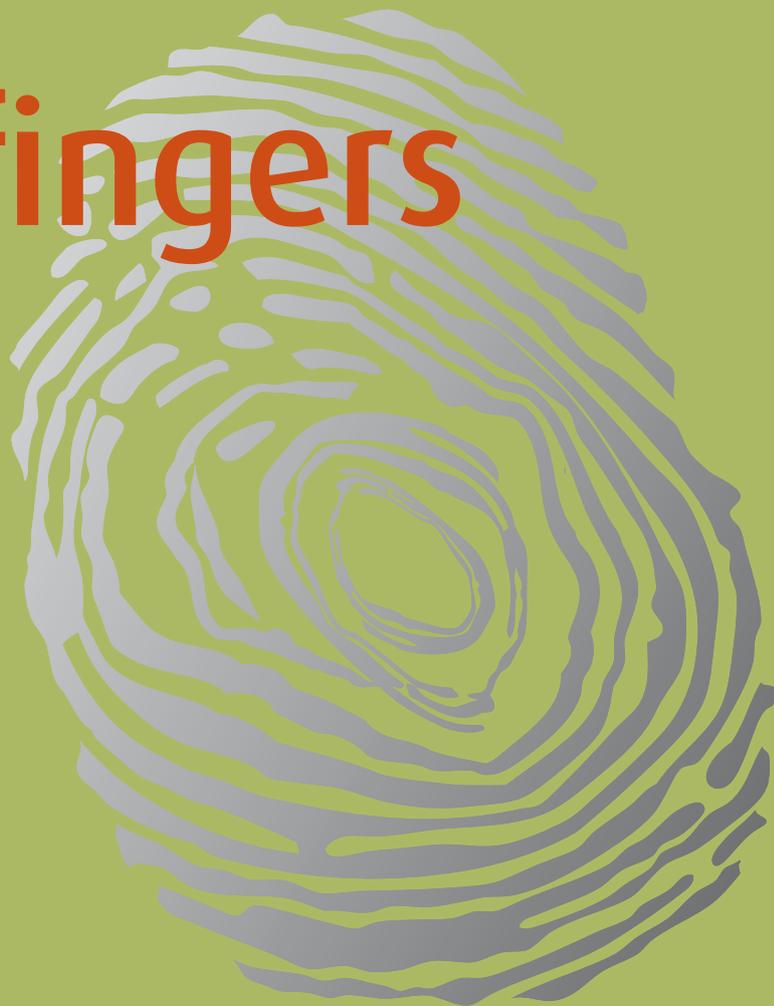
Strengthening the forensic crime-fighting capacity will enable scene-to-scene DNA matches to be captured by the Police, to help identify criminal behaviour patterns in investigating past, current and future crimes. Not only will an expanded fingerprint database and DNA database increase the likelihood of identifying unknown perpetrators, but it will also increase the possibility of linking suspects to multiple crime scenes. If passed, the Bill will make it compulsory for fingerprints to be taken for investigative purposes.

• Also before Parliament is the Constitution sixteenth Amendment Bill, which aims to give effect to the decision

to re-incorporate the Merafong City Local Municipality into Gauteng Province

In 2005, Parliament passed the Constitution twelfth Amendment Act which re-determined the geographical areas of certain municipalities in South Africa. This was to avoid municipal boundaries straddling over provincial boundaries. The step resulted, among others, in the Merafong City Local Municipality being incorporated into North West province. Residents in the area, especially Khutsong residents, clearly expressed their opposition to being incorporated into North West. This opposition to the Act has led Parliament to introduce the Constitution sixteenth Amendment Bill.

The re-incorporation of Merafong into Gauteng will be done by amending Schedule 1A to the Constitution in order to re-determine the geographical areas of the provinces of Gauteng and North West.



# A Nation ... by bread, but by roses too



## Estelle Randall, previews the State of the Nation Address by President Kgalema Motlanthe....

Rituals and ceremonies. Birth, adulthood, death – all of these milestones get marked by ceremony and ritual in all of our human culture, in one way or another.

So, too, get marked the moments in our lives as human beings who are, generally, naturally, gregarious and linked together over the last decades as nation states.

Like our more localised, familial and personal rituals of birth, adulthood and death, as a world organised into nation states we also have our rituals – of reflection and engendering unity towards common goals that cut across party political mores.

Today, President Kgalema Motlanthe delivers his state of the nation address – an assessment, a report-card, of how government has preformed since 2004.

The day is rich with symbolism and ceremony. And, on the South African political and parliamentary calendar, the most important ceremonial occasion, when South Africans are invited also to reflect and assess how they can galvanise to meet the challenges that face us all.

The ceremony, which starts at the Slave Lodge, just outside the entrance to the Parliamentary precinct, is a combination of public participation and a formal state ceremony.

It is normally an annual (there are two in an election year) ceremony of state at which the three arms of the state – the executive, the judiciary and the legislature – play out their constitutional roles in full view of the nation.

With the dawn of democracy in 1994, parliament's doors opened to all South African people. The occasion of the State of the Nation Address became a celebration of our nation, with public participation adding to the State's ceremonial activities.

There is a Junior Guard of Honour which will line the procession route from the entrance of Parliamentary precinct to the end of the National Council of Provinces building. This Junior Guard of Honour comprises students from schools that have represented South Africa or their province at international, national, provincial or local level competitions in areas of sports, the arts, cultural activities or any other competition that has helped to positively profile the country, province or locality.

The Junior Guard of Honour comes mainly from the Western Cape and includes learners from Masiphumelele Primary in Khayelitsha, St Paul's Primary in Cape Town's city centre, Kuyasa Primary in Mitchell's Plain, Settlers High in Cape Town's northern suburbs, Langeberg Secondary School in Robertson in the Cape Winelands District and Erosskool for physically challenged young people in Athlone on the Cape Flats. The Free State, Gauteng and Mpumalanga will also be sending seven learners each. These are provinces that did not have an

opportunity to participate in the Junior Guard of Honour of the previous state of the nation address. There will be a total of about 300 Junior Guards of Honour.

A Civil Guard of Honour forms part of the procession route until the end of the Old Assembly Wing. Participants are chosen to reflect aspects of Parliament's annual theme. This year the theme is "Parliament entrenching people-centred democracy in achieving development goals". There will be about 100 Civil Guards of Honour from the Commission on Gender Equality, the Development Action Group (that focuses on land, housing and community development issues), the Youth Commission, Disabled People of South Africa, Bonteheuwel Community Centre (which is based on the Cape Flats that deals with employment creation, youth development and adult education, the Saartjie Baartman Centre (that raises awareness about violence against women and children), Women on Farms Project (that organises around gender education, advocacy, youth development and socio-economic development among women living on farms), Doornbach People's Housing and the Umsobomvu Youth Development Fund

Eminent Persons also line the President's procession to the National Assembly Chamber. These are people who have achieved outstanding results in a particular field or have been recognised for their contribution to society. This year they are Nondumiso Reinet Mantanga (Eastern Cape), Kitsa Ralegae (Free State), Reverend SB Mzamo (Gauteng), Dr Farooq Meer (KwaZulu Natal), Ntuseni Jameson (Limpopo), Ester Mabuza (Mpumalanga), Sara Magdeline Coangae (Northern Cape), Godfrey Motshwane (North West), Magretha Macdonald (Western Cape).

# Through The Lens

Public participation will also include nine Grade 10 to 12 learners – one from each province – winners of an essay competition organised by Parliament and who will be in the National Assembly Chamber to listen to the President Motlanthe's address.

And the President's state of the nation address will be broadcast through the public broadcaster, commercial broadcasters, on 60 community radio stations and through the screening the address on publicly accessible big screens in all provinces.

The formal, state ceremony involves a Ceremonial Military Guard of Honour and a military band – this year the South African Navy Band based in Simonstown on Cape Town's False Bay coast. The state part of proceedings also involves a 21-gun salute and a South African Air Force fly past that happens while the President takes the national salute.

Some may feel the whole occasion is unnecessary, arguing: Let's look at the bottom line. How many additional houses, schools, health care facilities and other basic services could the money rather have been used for?

But like the births, marriages and deaths that we mark as private citizens, modest or magnificent depending on our means, we as a nation live not only by bread but by roses too.

Randall works for the Parliamentary Communication Services' Media Management Unit.



Centre: Ms. Gwen Mahlangu-Nkabinde: Speaker of the National Assembly, 2nd from left: Mr. Mnyamezeli Boo: Chief Whip of the ANC, and a group of students



Media briefing on the Independent assessment Panel Report



Staff at the Northern Cape Parliamentary Democracy Office



Delegates at the Inter-Parliamentary Union HIV/AIDS Seminar



A performance by Honre Group from Burundi

# Q&A

Parliament has received an unqualified audit report for the second financial year running. Andile Mantanga spoke to the Secretary to Parliament Mr Zingile Dingani about this achievement.

**Q** How bad was the situation before these unqualified audit reports?

**A** When I took over as Secretary to Parliament in June 2004, I inherited an audit report with eight qualifications and many matters of emphasis, it was a thick report. And we had to work on that and make sure that we looked at the systems in Parliament. The systems were fragmented, anybody could buy his or her own system and use it as he or she wished at that point in time.

The first thing we needed to do was to get the systems right in the institution – look at our financial systems and how we do procurement. The following year we were sure we were going to get an unqualified audit report. But, because of mistakes committed at that time in the financial management office, we, unfortunately, received one qualification. That, I still refer to as a technical qualification because it was about provisions for leave. The following year we received a qualification on assets. But in the third year we received a clean audit report and this year once again we received a clean audit report.

**Q** Was there a moment when you thought the 3rd Parliament would not turn around this situation?

**A** When we received the qualification in 2005/06, I thought that something was wrong, because we were sure that we would be able to have an unqualified report from the first year of my taking over. But I felt that one should not be discouraged because it was clear what led to that qualification. One of the biggest things that we have had to work on was mindset change. We have had to work very hard on that, changing people's attitudes to their work, saying: Look, this is how things

have got to be done.

**Q** What did it take Parliament to achieve this consistency in good financial reporting?

**A** This can be attributed to the fact that we did a lot of good work around the systems. We strengthened our control environment in the institution; we also employed very good officials in the Finance Management Office; we built an internal audit unit and made sure that we changed the mindset and culture in the institution around, to financial management.

**Q** The Parliamentary Oversight Authority attributed this achievement to strong administration. As the head of this administration, how do you feel?

**A** Certainly I am happy with that assessment, it is an assessment that acknowledges work done. But we have to attribute that to the efforts and commitment of our management team and all officials in the institution.

I always have this to explain a moment of glory or failure. If we have failure we always blame the coach, but when we succeed it is the players who have made it possible. And in this case I ardently believe that without the support, first and foremost, of my management team and all our officials in Parliament we would not have been able to make it. No matter how good you may be as the CEO or Secretary to Parliament, if the people who have to do work on the ground – who interact with the financial environment in the institution, who impact on procurement, and do business with the outside world on behalf of Parliament do not change their ways and begin to do business the right way, you will always have problems in any institution.

But we have succeeded precisely because our officials have been responsive to our management philosophy; they have been responsive to all the interventions that we've

introduced in the system with the view to improve.

**Q** What does this do for the institution?

**A** I think this does a lot of good for Parliament. First and foremost it says that our Parliament is run professionally and it has become over time an effective and efficient institution. It puts Parliament in a position where it, without fear of contradiction, can call to order government departments and all other state institution because its own house is clean. This gives us a lot of confidence and indeed integrity in the eyes of the public.

**Q** What do you think will be the implications of the Financial Management of Parliament on the work of the institution?

**A** The carries the same values and philosophy that you find in the Public Financial Management Act and Parliament has all these years acted and managed its finances in the spirit of this Act. So there's not much that we need to do except to put structures in place and make sure our officials are ready to implement the provisions of the new when it becomes an Act. And to that end I have already put together a task team, led by the chief financial officer, to look at all things that we have to prepare for the implementation of the when it becomes an Act.

For me, in addition to all the other laws that govern financial management of Parliament, this means we are in a situation where we are going to have order and stability. We are not going to be asking questions as to which law are we falling under now; are we under a spirit or actual Act.

**Q** The 2007/08 Annual Report talks about an improvement in the service levels to the MPs, what has led to this?

**A** Service delivery improvement should and can be attributed to better planning; better co-ordination and alignment of our strategic plan with our budget and all our planning instruments. But it can also be attributed to increased levels of productivity in the institution. And I think that our officials have come to realise that for Parliament to continue to occupy its place as a premier institution in the country, Parliament must deliver and that our institution and its members must be afforded the best levels of service in this country.

# Leading by example

## Parliament's 'all clear' report inspires others

by **Andile Mantanga**

As Parliament calls to account Ministers, Director Generals and heads of public enterprises and state institutions supporting democracy, it will do this work with added confidence, thanks to its own sound financial management.

Parliament has been given an unqualified audit report for the second year in a row. This came as a huge boost for the institution, given the qualified audit report of the 2005/6 financial year, just two years ago.

That was when Mr Zingile Dingani took over as the Secretary to Parliament. "When we received the qualification in 2005/06, I thought that something was wrong, because we were sure that we would be able to have an unqualified report from the first year of my taking over.

"But I felt that one should not be discouraged because it was clear what led to that qualification. One of the biggest things that we have had to work on is mindset change. We have had to work very hard on that, changing people's attitudes to their work, saying: 'Look, this is how things have got to be done'."

According to the Audit Committee Chairperson Mr Chose Choeu, this report is important for the institution because

it would be wrong for Parliament to be seen by the Executive (the President, deputy president, government ministers and their departments) to be grappling with the same issues facing the Executive.

It "brings confidence to the citizens of the country in terms of how Parliament is seen to be managing its finances, and also strengthens the oversight mandate of Parliament; that is, the 'practice what you preach'; 'walk the talk' situation", said Mr Choeu.

"It is important for Parliament to be seen as a model of good governance and accountability, very important for the institution's oversight role."

The chairperson said the report also changed the perception about the Auditor General. It affirmed the Auditor General's responsibility and role in adding value and strengthening democracy through the independent audit process instead of being perceived as just policing it, as was sometimes the case.

Behind this achievement had been, among others, an effective and fully resourced internal audit system and the coming together, dedication, commitment and co-operation between all the stakeholders, according to Mr Choeu.

"This will be improved and entrenched going forward to ensure that it reaches its optimum in the coming years," he said.



Mr. Zingile Dingani,  
Secretary to Parliament

# Trib Helen S

This goes hand-in-hand with the levels of support we are giving to our officials and all the working people in the institution to make sure nothing is a barrier to their quest to provide the best service to Parliament.

**Q** How close is Parliament to becoming an efficient and effective institution?

**A** I think that Parliament is performing very well. I think that it is one of the institutions that are well managed and run in our country. The Inter-Parliamentary Union recognises us as the first in the world to have produced a strategic plan that spans a period of five years and one that has been developed with contributions from the political office bearers themselves.

So this alone speaks volumes about how this institution is run. It is for me a source of great satisfaction and pride that our premier institution is not only prudently run but is seen by everybody in the country to be doing its best, even in terms of oversight over government. If you go to our committees you will indeed find out that all our committees have truly become the engine rooms of Parliament.

**Q** I understand you hold an MBA, to what extent does formal education help someone in your position?

**A** I think that education is quite important. It's good for our people to study to use the opportunities that are provided to all of us by the new South Africa. But education must go hand in hand with what I call character. I believe that it is important that we should groom our own personalities such that they give a better essence to what we can provide as educated people. If you look at Gim Collins in his book – Good to Great – he says in today's world people may be hired for their qualifications but they get fired for their attitudes. You may be very good, highly qualified, but if you have a very bad attitude to your work and the people you work with you may find yourself without a job. So it very important for all of us – young and old; educated and uneducated – that as we hold positions of responsibility, be it in private or public sector, that we blend our education expertise and skills with good

character.

**Q** How do we fare compared to our international counterparts?

**A** I think that we compare quite favorably with other Parliaments in the world. In many instances our Parliament leads and that is why you find that many Parliaments send delegations to come and learn how we do things. And one of the leading areas around which our Parliament excels is how we handle and manage our public participation programmes like Taking Parliament to the People and People's Assembly. But we must not be arrogant and complacent, I believe that there is room for improvement. There is a lot that we can learn from other Parliaments and nations to make sure that what we have put as a foundation over the last 14 years is strengthened.

**Q** Are there any outstanding issues, administratively, that the 4th Parliament should address quickly?

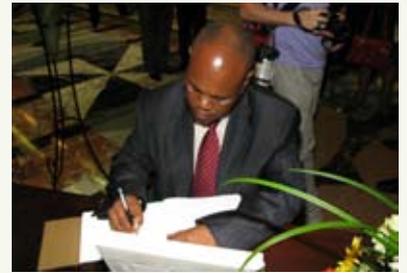
**A** In the area of administration there is very little that needs to be done except to complete rolling out the programs that are already in place. For instance, one of the things that have to be completed is the issue of the Parliamentary Channel which we are working on already. The 4th Parliament will also have to finish the work we've already started in respect of setting up Parliamentary Democracy Offices. But more importantly, we have to make sure that the Parliamentary Content Management System that we have invested so much in gets used better.

**Q** What's your new year message to the Parliamentary staff?

**A** It is important to note that last year was a very long year, quite a difficult one and volatile in all respects. There has been a lot of change in the country and most of that took place around Parliament and it had an impact on all our officials and staff. But now we are back, fully rested and ready to take on the challenge of establishing the 4th Parliament.



Ms. Peggy Hollander,  
NCOP Deputy Chairperson



Mr. Mnyamezeli Boo, Chief Whip ANC



Ms. Cheryllyn Dudley, MP, DA



Ms. Patricia de Lille, ID Leader



Mr. Motsoko Pheko, MP, PAC

# ute to uzman



## Strong voice of Parliament recalled

### Staff Writer

Anti-apartheid icon Helen Suzman passed away on New Year's Day. A British publication once featured a photo of the tough males of the National Party (NP) cabinet with the caption: 'Would YOU like to take on these men?' During her 36 years in Parliament Helen Suzman took them on: she saw four NP heads of state and their cabinets come and go (JG Strydom, HF Verwoerd, BJ Vorster and PW Botha). Like a tiger protecting a wounded cub she fought them all to a standstill. In his autobiography *Long Walk to Freedom*, Nelson Mandela said of Helen Suzman: "It was an odd and wonderful sight to see this courageous woman peering into our cells and strolling around our courtyard. She was the first and only woman ever to grace our cells." She was present years later when he signed the Republic of South Africa Constitution Act.

Her family turned down the offer of a state funeral for a simple, private burial, but people from everywhere have turned up in recent weeks to sign the book of condolences at Parliament. A public memorial service would be held for her in February, the family said in a statement.

In an interview Ms Suzman once said her greatest life lesson was: "Go see for yourself... (in Parliament) they would hate my views, but they could never deny them because I had been to prisons, I had been to resettlement areas, I had been to removal areas." She knew what was happening in the heydays of apartheid and was a thorn in the flesh of the National Party government. A rose garden was established in her honour at her old high school, Parktown Convent, and a rose was named after her. The Foxy Lady has baby pink buds unfolding to light pink-white flowers with a strong fragrance.

When Conservative Party backbencher Bessie Scholtz once asked her where she (and her people) were when Scholtz's people were crossing the Drakensberg barefoot and with only the Bible in their hand, Ms. Suzman glanced up from the bench where she was writing and noted "My people wrote the Bible."

Apartheid architect Verwoerd once snarled at her: "South Africa has given up on you, Mrs Suzman!" - to which she replied "The world has given up on you, Sir!"

Thank you for not giving up on South Africa, and rest in peace, Helen Suzman.



Ms. Gwen Mahlangu-Nkabinde, NA Speaker



Mr. Mninwa Mahlangu, NCOP Chairperson

# Death in Gaza

## Parliament's call for Ceasefire

by Sakhile Mokoena

Parliament's Portfolio Committee on Foreign Affairs has condemned the "killing of innocent civilians" in the conflict in Gaza, which members defined as one of the oldest international conflicts in history and one of the most difficult to resolve.

The Committee also criticised the "disproportionate use of military power" and called for South Africa to support UN Security Council's call on both parties for an immediate ceasefire.

In separate meetings with the Ambassadors of Palestine and Israel this month (January 15 and 16), Committee Chairperson Mr Job Sithole, MP said the killing of women and children could not be a solution to the political situation in the region.

The Committee also pleaded for a passage to be opened for humanitarian assistance and international media crews.

"War is the most barbaric method of resolving conflict," said Committee member Ms. Albertinah Luthuli. "The human tragedy there is completely out of proportion", she added.

The Ambassadors of the two warring countries, Israel and Palestine, have urged Parliament to use its influential position in the world and membership of international forums to help end the conflict in that region.

Palestine Ambassador Ali Halimeh said South Africa could use its position in the African Union to help bring peace between the warring countries.

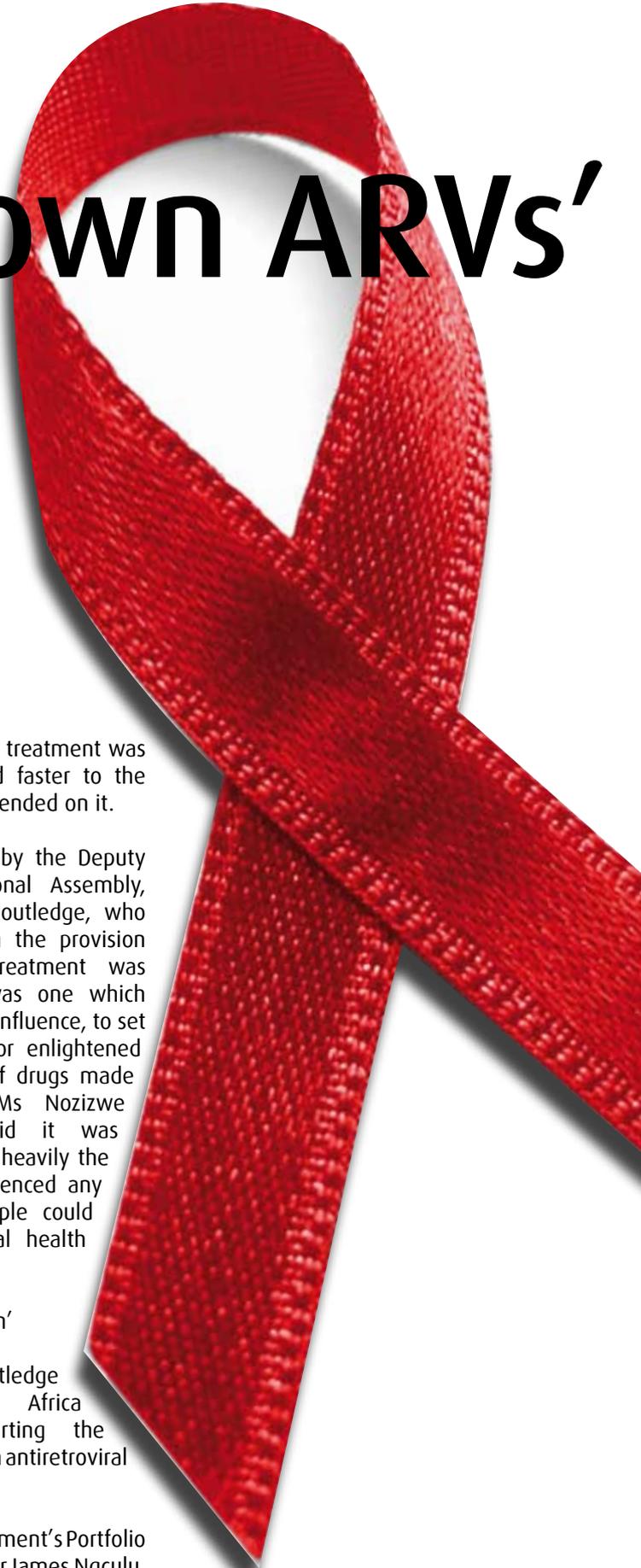
In his presentation, Israeli envoy Mr. Dov Segev-Steinberg angered Committee members when he claimed South Africa's attitude to the situation was one-sided and unbalanced.

"The accusation that SA is unbalanced is unfair, we don't take kindly to that," Mr. Sithole told the Ambassador.

"In order to reach an objective opinion, we saw it as important to engage with both parties" the Chairperson added.

Since the attacks started on December 27, over 1000 people, mostly women and children, have reportedly died in Gaza.

# 'SA plans own ARVs'



## MPs want cheaper HIV drugs

by Kanyisa Ndyondya

"Parliamentarians are closest to the people, and should thus ensure that HIV treatment is affordable to all citizens."

Speaker after speaker echoed these words at the Inter Parliamentary Union's (IPU) 2nd Regional Training Seminar on HIV/AIDS for the Parliaments of the Southern African Development Community (SADC) and the East African Community.

More than 50 Members of Parliaments converged at Parliament in Cape Town to take part in the seminar under the theme "How can Parliaments improve access to HIV treatment".

The Speaker of the National Assembly, Ms Gwen Mahlangu-Nkabinde, said that it was a collective challenge for the Southern African countries to face the scourge of HIV/AIDS which had already claimed more than 11 million lives in the SADC region.

Opening the seminar, Ms Mahlangu-Nkabinde said South Africa's Parliament was well positioned to play a crucial role in the fight against HIV/AIDS through various laws that had already been passed in line with the provisions of the Constitution.

One of the key roles of Parliament was to ensure that funds were voted for HIV and AIDS interventions, to prevent and mitigate the impact of the disease. "Thus through its oversight role, it ensures that appropriated funds are spent on the intervention programmes for which they were intended," she said.

But Parliament still needed to ensure that the intended outcomes and objectives

were achieved and that treatment was dispensed cheaper and faster to the people whose lives depended on it.

This view was shared by the Deputy Speaker of the National Assembly, Ms Nozizwe Madlala-Routledge, who said that even though the provision of affordable ARV treatment was a complex field, it was one which Parliamentarians could influence, to set the right framework for enlightened policy. The high cost of drugs made them unaffordable. Ms Nozizwe Madlala-Routledge said it was important to note how heavily the cost of medicines influenced any impact that poor people could make on their general health and well-being.

'We must make our own'

Ms Madlala-Routledge revealed that South Africa was considering starting the manufacturing of its own antiretroviral medication.

The Chairperson of Parliament's Portfolio Committee on Health, Mr James Ngculu, MP said that South Africa could also help make HIV treatment accessible by providing generic substitutes, as well as doing parallel importation. "We are moving towards ensuring that HIV treatment is available, but we still have a long way."

Ms Hendrietta Bogopane-Zulu, was elected as the Chairperson of the Inter-Parliamentary Union (IPU) advisory group on HIV/Aids. The group consists of legislators who take the lead on HIV/AIDS in their home Parliaments.

# DID YOU KNOW?

## COMMITTEES, THE LIFEBLOOD OF PARLIAMENT

Both Houses of Parliament appoint committees so that the matters before them can be examined by smaller groups of Members of Parliament. The National Assembly appoints Portfolio Committees and the National Council of Provinces appoints what are called Select Committees. Committees play a vital role in the process of building democracy and involving the public. The committees are the engine rooms of Parliamentary work. They provide forums where members of the public can express their opinions directly and try to influence the outcome of Parliament's decisions. Their meetings are generally open to the public, although they may be closed if there is good reason to do so.

Parliament does its work in plenary sessions (where members of one House meet), in joint sittings (where both Houses meet as one group), and in committees (comprising smaller groups of members, selected from the different parties in that House). These committees are 'specialised' entities that carry out critical work within specific areas. The 'committee approach' allows Parliament to

- Increase the amount of work that can be done (it is more efficient for a large group to delegate its work to smaller groups than to try to do it in a single group)
- Ensure that issues can be debated in more depth than can be done in plenary sessions (because more time is available to focus on details)
- Increase the participation of Members of Parliament in discussions (members of a group can participate more fully when the group is small)
- Enable Members of Parliament to develop expertise and in-depth knowledge of the committee's area of work
- Provide a forum for the public to present their views directly to Members of Parliament, something which is not possible in a plenary sitting of Parliament, and

- Provide a forum for Parliament, to hear evidence and collect documents which are relevant to the work of the specific committee.

Committees have to report to the plenary group (House) that has appointed them, and the plenary group (House) must ratify certain decisions that committees make. For example, once a committee has considered a Bill, the Bill must be debated and voted on in the House. The composition of Committees is, in general, proportional to the size of the different parties in Parliament.

### THE WORK OF COMMITTEES

Different kinds of Committees have one or more of the following functions:

- They monitor and oversee the work of national government departments and hold them accountable
- They oversee the accounts of national government departments and state institutions
- They take care of domestic parliamentary issues
- They examine specific areas of public life or matters of public interest
- They consider Bills and amend them, and may initiate Bills
- They consider private members' motions, provincial legislative proposals and special petitions, and
- They consider international treaties and agreements.

Committees have the power to summon any person to appear before them, give evidence or produce documents. They may require any person or institution to report to them, and they may receive petitions, representations or submissions from the public. They play a crucial role in the lawmaking process.

### DOMESTIC (INTERNAL) COMMITTEES

The National Assembly (NA) also has a number of 'domestic' committees. These consist of senior members dealing with matters affecting the smooth running of the House. The Rules Committee

and its sub-committees deal with House rules, the budget of the House, support for members, internal arrangements, and powers and privileges of members. There is also a Rules sub-committee dealing with delegated legislation (when a minister issues regulations rather than going through the lawmaking process). Other domestic committees are the Programme Committee which plans the work of the Assembly, the Disciplinary Committee, and the Committee of Chairpersons.

The National Council of Provinces (NCOP) has its own domestic committees. The Rules Committee and its subcommittees deal with the NCOP rules, the NCOP budget, parliamentary privileges, internal arrangements, international relations and delegated legislation. The Programme Committee plans the work of the NCOP, and the Committee of Chairpersons makes recommendations about the functioning of Committees and other NCOP forums.

### PORTFOLIO AND SELECT COMMITTEES

The National Assembly appoints from among its members a number of Portfolio Committees to shadow the work of the various national government departments. Each committee has between 17 and 19 full members, and a number of alternate members. Portfolio Committees consider Bills, deal with departmental budget votes, oversee the work of the department they are responsible for, and enquire and make recommendations about any aspect of the department, including its structure, functioning and policy. The work of committees is not restricted to government: they may investigate any matter of public interest that falls within their area of responsibility. There is a Portfolio Committee for each national ministry and its associated government department/s.

The NCOP appoints from its permanent members a number of Select Committees to shadow the work of the various national government departments, and to deal with Bills. Each committee has between 13 and 15 full members. Because the NCOP has only 54 permanent members compared to the National Assembly's 400, the Select Committees each shadow the work of more than one national government department.

### PUBLIC ACCOUNTS

The National Assembly Standing Committee on Public Accounts (SCOPA) acts as Parliament's watchdog over the

way taxpayers' money is spent by the executive. Every year the Auditor-General tables reports on the accounts and financial management of the various government departments and state institutions. Heads of these bodies are regularly called to account by this committee. The committee can recommend that the National Assembly take corrective actions if necessary.

## MEMBERS' LEGISLATIVE PROPOSALS AND PETITIONS

The National Assembly's Standing Committee on Private Member's Legislative Proposals and Special Petitions considers draft Bills submitted by individual National Assembly members and public petitions submitted through a member of the Assembly. If the committee agrees with the principle of the draft Bill or petition, a Bill will be prepared and dealt with by Parliament in the usual way. As its name suggests, the National Council of Provinces' Select Committee on Members' and Provincial Legislative Proposals considers draft Bills from individual NCOP members and provincial legislatures.

## TEMPORARY (AD HOC) COMMITTEES

Whenever there is a need for a specific task to be done, Parliament or one of its Houses may appoint an ad hoc (temporary) committee to do the work. When the task is complete, the committee is dissolved.

## JOINT COMMITTEES

The National Assembly and the National Council of Provinces together appoint a number of Joint Committees, for example the Constitutional Review Committee. Ad hoc Joint Committees are formed whenever necessary. When the National Assembly and the National Council of Provinces are unable to agree on a Bill, the Mediation Committee tries to reach a compromise.

The Joint Standing Committee on Intelligence and the Joint Standing Committee on Defence are statutory committees. This means that they are established by the Constitution or by an Act of Parliament, as well as in terms of the rules of Parliament.

## WHO'S WHO ON A COMMITTEE

Each committee has a Chairperson and a Committee Secretary. If someone wants to make contact with a committee, these are the people one should speak to. Parliamentary Communication Services provides strategic communication support to committees of Parliament.

## PORTFOLIO COMMITTEES

**Mr Zitha, Langa, MP**, Chairperson of the Portfolio Committee on Environmental Affairs  
**Ms Tobias-Pokolo, Thandi, MP**, Chairperson of the Portfolio Committee on Public Works  
**Mr Mohlaloga, Reuben, MP**, Chairperson of the Portfolio Committee on Agriculture  
**Mr Moloto, Koena, MP**, Acting Chairperson of the Portfolio Committee on Finance  
**Mr Sithole, Job, MP**, Chairperson of the Portfolio Committee on Foreign Affairs  
**Mr Carrim, Yunus Ismail, MP**, Chairperson of the Portfolio Committee on Justice and Constitutional Development  
**Mr Chauke, Patrick Hlomane, MP**, Chairperson of the Portfolio Committee on Home Affairs  
**Mr Cronin, Jeremy, MP**, Chairperson of the Portfolio Committee on Transport  
**Ms Kasienyane, Rebecca, MP**, Chairperson of the Portfolio Committee on Labour  
**Mr Bloem, Dennis, MP**, Chairperson of the Portfolio Committee on Correctional Services  
**Mr Martins, Benedict Anthony, MP**, Chairperson of the Portfolio Committee on Trade and Industry  
**Prof. Mayatula, Shepherd, MP**, Chairperson of the Portfolio Committee on Education  
**Mr Ngcobo, Eugene Nhlanhla Nqaba, MP**, Chairperson of the Portfolio Committee on Minerals and Energy  
**Mr James Ngculu, MP**, Chairperson of the Portfolio Committee on Health  
**Mr Oliphant, Godfrey, MP**, Chairperson of the Portfolio Committee on Science and Technology  
**Ms September, Cornelia, MP**, Chairperson of the Portfolio Committee on Water Affairs and Forestry  
**Ms Soty, Makhotso Magdelina, MP**, Chairperson of the Portfolio Committee on Safety and Security  
**Ms Tshivhase, Tovhowani, MP**, Chairperson of the Portfolio Committee on Arts and Culture  
**Mr Vadi, Ismail, MP**, Chairperson of the Portfolio Committee on Communications  
**Ms Chohan-Kota, Fathima, MP**, Chairperson of the Portfolio Committee on Public Enterprises  
**Ms Fredericks-Kota, Zoliswa, MP**, Chairperson of the Portfolio Committee on Housing  
**Mr Komphela, Butana Moses, MP**, Chairperson of the Portfolio Committee on Sport and Recreation  
**Mr Tsenoli, Lechesa Solomon, MP**, Chairperson of the Portfolio Committee on Provincial and Local Government  
**Adv Masutha, Tshililo Michael, MP**, Chairperson of the Portfolio Committee on Social Development

## SELECT COMMITTEES

**Mr Sibiyi, Mbhazima, MP**, Chairperson of the Select Committee on Economic and Foreign Affairs  
**Mr Tolo, Jonathan, MP**, Chairperson of the Select Committee on Education and

Recreation

**Mr Tau, Raseriti, MP**, Chairperson of the Select Committee on Public Services  
**Ms Masilo, Joyce, MP**, Chairperson of the Select Committee on Social Services  
**Rev. Moatshe, Peter, MP**, Chairperson of the Select Committee on Land & Environmental Affairs  
**Kgoshi Mokoena, Mathupa Lameck, MP**, Chairperson of the Select Committee on Security and Constitutional Affairs  
**Ms Themba, Malesane Priscilla, MP**, Chairperson of the Select Committee on Labour and Public Enterprises  
**Mr Adams, Freddie, MP**, Chairperson of the Select Committee on Members & Provincial Legislative Proposals  
**Mr Ralane, Tutu, MP**, Chairperson of the Select Committee on Finance  
**Mr Mkhali, Joseph, MP**, Chairperson of the Select Committee Local Government and Administration

## JOINT COMMITTEES

**Ms Morutoa, Storey, MP**, Co Chairperson of the Joint Monitoring Committee on Improvement of quality of life and status of women  
**Ms Mazibuko, Faith, MP**, Co-Chairperson of the Joint Monitoring Committee on Improvement of the quality of life and status of women  
**Ms Newhoudt-Druchen, Wilma Susan, MP**, Co-Chairperson of the Joint Monitoring Committee on the quality of life and status of children, youth and disabled persons  
**Mr Gamede, Dumisani, MP**, Co-Chairperson of the Joint Monitoring Committee on the status of youth, children and the disabled persons  
**Mr Sogoni, Elliot Mshiyeni, MP**, Co-Chairperson of the Joint Budget Committee  
**Ms Mabe, Louisa, MP**, Co-Chairperson of the Joint Budget Committee

## STANDING COMMITTEES

**Mr Godi, Themba Nelson, MP**, Chairperson of the Standing Committee on Public Accounts  
**Mr Smith, Vincent, MP**, Chairperson of the Standing Committee on Auditor General  
**Mr Burgess, Valentine, MP**, Chairperson of the Joint Committee on Intelligence  
**Mr Montsitsi, Sedaine Danny, MP**, Chairperson of the Joint Constitutional Review  
**Dr. Schoeman, Emanuel Andreas, MP**, Chairperson of the Joint Committee on Defence

## AD HOC COMMITTEES

**Mr Sonto, Roseberry, MP**, Chairperson of the Ad Hoc Committee on the matters relating to ex-mineworkers  
**Mr Johnson, Lulu, MP**, Chairperson of the Ad Hoc Committee on the Development of the Youth Agency  
**Mr Monareng, Tekere Oupa Ephraim, MP**, Co-Chairperson of the ad hoc Joint Committee to Consider Matters in terms of Section 12 of National Prosecuting Authority Act

# HOW A LA

Parliament is the national legislature (lawmaking body) of South Africa. As such, one of its major functions is to formulate and pass new laws, amend existing laws, and repeal old laws. Both Houses of Parliament, the National Assembly (NA) and the National Council of Provinces (NCOP) play a role in the law-making process.

## Legislative authority

Parliament has legislative authority (the right to make laws) in the national sphere of government, provincial legislatures make laws in the provincial sphere of government, and municipal councils make bylaws in the local sphere of government.

## National and provincial lawmaking

When is a law in the national sphere and when is it the provincial sphere? Schedule 4 of the Constitution lists the functional areas in which Parliament and the provincial legislatures jointly have the right to make laws. These include areas like agriculture, health, housing, the environment and education (but not tertiary education). Schedule 5 of the Constitution lists the functional areas in which only the provincial legislatures may make laws, including things like provincial roads and traffic, liquor licensing, provincial planning and provincial sport.

In exceptional circumstances,

Parliament may even make laws in a Schedule 5 area if this is necessary to:

- maintain national security
- maintain economic unity
- maintain essential national standards
- establish minimum standards for the rendering of services, and
- prevent unreasonable action by a province which prejudices the interests of another province or the country as a whole

## The basic lawmaking process

A Bill (a draft law) can only be introduced in Parliament by a minister, a deputy minister, a parliamentary committee, or an individual Member of Parliament.

Most Bills are drawn up by a government department under the direction of the relevant minister or deputy minister. This kind of Bill must be approved by the Cabinet before being submitted to Parliament. Bills introduced by individual Members are called Private Members' Bills.

Before it can become a law, a Bill must be considered by both Houses of Parliament. Certain Bills which affect provinces may first be introduced in the NCOP. All other Bills are introduced in the National Assembly. Once it

is introduced, the Bill is referred to the relevant committee. The Bill is published in the Government Gazette for public comment unless it is very urgent. It is debated in the committee and amended if necessary. If there is great public interest in a Bill, the committee may organise public hearings. Once it has decided on its version of the Bill, the committee submits it to a sitting of the House for further debate and a vote. A Bill could be referred back to a committee for more work before a vote is taken. The Bill is then referred to the other House for its consideration. If the Bill is passed by both the National Assembly and the National Council of Provinces, it goes to the President for assent. Once it has been signed by the President, it becomes an Act of Parliament, and a law of the land.

## The four types of Bills

The Constitution describes four kinds of Bills:

Section 74 Bills - constitutional amendments Bills

Section 75 Bills - ordinary Bills not affecting the provinces

Section 76 Bills - ordinary Bills affecting the provinces

Section 77 Bills - money Bills (ones which have to do with appropriations, taxes, levies or duties). These must be introduced by the Minister of Finance in the National Assembly.

# W IS MADE

Each type of Bill has a different passage to becoming a law and usually fits into only one category. The Joint Tagging Mechanism (JTM), comprising the Presiding Officers and their deputies, decides on the category of a Bill. If a Bill does not clearly fit onto one category, or if it fits into more than one category, it is usually redrafted or split into more than one Bill.

## Decision making

For most Bills to be passed in the National Assembly a majority of the members must be present and a majority must vote in favour. For Section 76 Bills before the National Council of Provinces, each provincial delegation has a vote and five provinces must vote in favour of it for the Bill to be passed. When the NCOP votes on a Section 75 Bill, every individual delegate has a vote, at least a third must be present, and a majority of those present must vote in favour of it, for it to be passed. Each delegation votes in accordance with the mandate it has received from its legislature.

## Constitutional amendments

These require special majorities:

- changes to the basic principles of the Constitution require 75% of the National Assembly and six provinces in the National Council of Provinces

- to agree
- changes to the Bill of Rights require two-thirds of the National Assembly and six provinces in the National Council of Provinces to agree
- if the Bill affects the NCOP; the boundaries, powers, functions or institutions of the provinces; or a provision specifically dealing with a provincial matter, two thirds of the Assembly and six provinces must agree, and
- any other amendment only requires two-thirds of the National Assembly to agree.

At least 30 days before it is introduced, a Section 74 Bill must be published in the Government Gazette for public comment and submitted to the provincial legislatures for their views. Bills which require NCOP approval must also be submitted for debate in the NCOP. Comments from the public and the provincial legislatures must be tabled together with the Bill. If the Bill affects specific provinces, it must be approved by the relevant provincial legislatures before the NCOP may pass it.

## Ordinary Bills not affecting provinces

Once a Section 75 Bill has been passed by the National Assembly, it is referred to the National Council of Provinces. If

the NCOP amends the Bill or rejects it, it goes back to the National Assembly which may pass the Bill again, with or without amendments, and send it for the President's assent. In other words, the National Assembly can pass a Section 75 bill even if the National Council of Provinces disagrees.

## Ordinary Bills affecting provinces

The National Council of Provinces and the National Assembly both consider Section 76 Bills. If they cannot agree, the dispute is referred to the Mediation Committee. If the committee is unable to secure agreement on Section 76 Bills introduced in the National Assembly within 30 days, the Bill may be passed by the National Assembly with a two-thirds majority and sent to the President. If the committee cannot broker an agreement on Bills which have been introduced in the NCOP, the Bill lapses.

## Signing the bill into law

If the President is not sure that a Bill is constitutional, he or she may refer it back to the National Assembly for reconsideration. If the Bill affects the provinces, it must also be considered by the National Council of Provinces. If a reconsidered Bill takes the President's reservations into account he or she may sign it or refer it to the Constitutional Court. If the court decides the Bill is constitutional, the President must sign it.



#### **OUR SOUTH AFRICA – THE SUN**

The sun heals the divisions of the past, improves the quality of life of all South Africans, frees the potential of each person and builds a united and democratic South Africa, taking its rightful place as a sovereign state in the family of nations.



#### **OUR PEOPLE – THE PROTEA LEAVES**

Our people, building on the foundation of a democratic and open society, freely elect representatives, acting as a voice of the people and providing a national forum for public consideration of issues. “WE, THE PEOPLE” is the emblem’s legend, taken from the preamble to the Constitution of the Republic of South Africa.



#### **OUR PARLIAMENT – THE DRUM, PROTEA AND TRIANGLES (NINE PROVINCES)**

The drum calls the people’s Parliament, the National Assembly and the National Council of Provinces, to consider national and provincial issues, ensuring government by the people under the Constitution.



#### **OUR CONSTITUTION – THE BOOK**

Our constitution lays the foundation for a democratic and open society based on democratic values, social justice and fundamental human rights. It is the supreme law of our country, and ensures government by the people.